

**UNITED STATES DISTRICT COURT FOR  
THE DISTRICT OF MASSACHUSETTS  
BOSTON DIVISION**

STUDENTS FOR FAIR ADMISSIONS, INC.,

Plaintiff,

v.

PRESIDENT AND FELLOWS OF HARVARD  
COLLEGE (HARVARD CORPORATION),

Defendant.

Civil Action No. 1:14-cv-14176-ADB

**HARVARD’S MOTION FOR LEAVE TO FILE A SUR-REPLY**  
**MEMORANDUM IN OPPOSITION TO SFFA’S MOTION TO COMPEL**

Pursuant to Local Rule 7.1(b)(3), Defendant President and Fellows of Harvard College (“Harvard”) respectfully seeks leave of the Court to submit a three-page sur-reply in opposition to SFFA’s Motion to Compel (Dkt. 64). The Proposed Sur-Reply is attached to this Motion as Exhibit A. Pursuant to Local Rule 7.1(a)(2), undersigned counsel hereby certify that we have conferred in good faith with counsel for the Plaintiff, but have been unable to resolve the issues presented by this motion.

A sur-reply is necessary because in its Reply Memorandum (Dkt. 94), Plaintiff Students for Fair Admissions, Inc. (“SFFA”) demands the production of information not sought in its initial Motion (Reply at 6 & n.3) and raises a new argument concerning the extent to which that information implicates the Family Educational Rights and Privacy Act (“FERPA”), which the parties have not previously addressed.

WHEREFORE, Harvard respectfully requests that the Court allow it to file a sur-reply in opposition to SFFA’s Motion to Compel.

Respectfully submitted,

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Dated: August 14, 2015

*Counsel for Defendant President and  
Fellows of Harvard College*

**CERTIFICATE OF CONFERENCE**

In accordance with Local Rule 7.1(a), I hereby certify that counsel for Harvard has conferred with counsel for Students for Fair Admissions, Inc. in a good faith effort to resolve or narrow the issues presented in this motion.

/s/ Felicia H. Ellsworth  
Felicia H. Ellsworth

**CERTIFICATE OF SERVICE**

I hereby certify that this document filed through the CM/ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing and that paper copies will be sent to those indicated as non-registered participants on August 14, 2015.

/s/ Felicia H. Ellsworth  
Felicia H. Ellsworth